

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,499

Filed: December 11, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Hayes, Robert Clinton

) Group Art Unit: 1647

) Confirmation No: 6886

) Attorney's Docket No. 39780-2830 P1C42

) Customer No. 35489

EXPRESS MAIL LABEL NO.: EL 993 686 795 US

DATE MAILED: JANUARY 18, 2005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MAIL STOP: AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each publication other than U.S. patents and U.S. patent application publications, and each cited pending unpublished U.S. application pursuant to 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. As form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

☐ (3) It is being filed before the mail date of the first Office Action on the merits

-- OR --

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

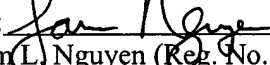
01/26/2005 AWONDAF1 00000021 081641 10015499

01 FC:1806 180.00 DA

- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☒ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2830 P1C42).**

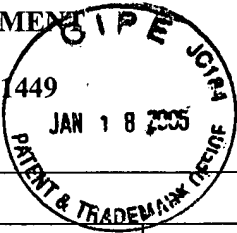
Respectfully submitted,

Dated: January 18, 2005

By: 
Sam L. Nguyen (Reg. No. 52,496)

HELLER EHRMAN WHITE & MCAULIFFE LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2091806 v1
1/18/05 1:10 PM (39780.2830)

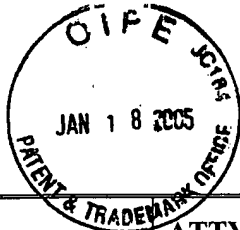
INFORMATION DISCLOSURE STATEMENT PTO-1449 			ATTY. DOCKET NO.:		SERIAL NO.:	
			39780-2830 P1C42		10/015,499	
			APPLICANT : Kevin P. BAKER, et al.			
			FILING DATE: December 11, 2001		GROUP: 1647	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
						<input type="checkbox"/> <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
Dayhoff, Accession No.: P_AAY99455, WO 200012708-A2, Pub Date: March 9, 2000, K. Baker, et al.						
Dayhoff, Accession No.: P_AAB24026, WO 200053750-A1, Pub Date: September 14, 2000, D. Botstein, et al.						
Dayhoff, Accession No.: AAB88413, EP 1067182-A2, Submitted: January 10, 2001, T. Ota, et al.						
Dayhoff, Accession No.: P_AAU00472, WO 200118016-A1, Pub Date: March 15, 2001, C C. Fraser, et al.						
Dayhoff, Accession No.: P_AAE03427, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
Dayhoff, Accession No.: CAC39777.1, EP 1067182-A1, Pub Date: January 10, 2001, T. Ota, et al.						
Dayhoff, Accession No.: AAF09483.1, Direct Submission, Submitted: October 1, 1999, T. Ota, et al.						
Dayhoff, Accession No.: NP_056331.1, Cancer Research 60 (21), pp 5977-5983, 2000, A. H. Charpentier, et al.						
Dayhoff, Accession No.: P_AAE03459, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
Dayhoff, Accession No.: P_AAB40712, WO 200058473-A2, Pub Date: October 5, 2000, R. A. Shinkets, et al.						
GenBank, Accession No.: P_AAA37137, WO 200012708-A2, Pub Date: March 9, 2000, K. Baker, et al.						
GenBank, Accession No.: P_AAC58108, WO 200053750-A1, Pub Date: September 14, 2000, D. Botstein, et al.						
GenBank, Accession No.: P_AAS01370, WO 200118016-A1, Pub Date: March 15, 2001, C. C. Fraser, et al.						
GenBank, Accession No.: P_AAD07809, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
GenBank, Accession No.: P_AAF93840, EP 1067182-A2, Pub Date: January 10, 2001, T. Ota, et al.						
GenBank, Accession No.: AX136271, EP 1067182-A1, Pub Date: January 10, 2001, T. Ota, et al.						
GenBank, Accession No.: P_AAD07841, WO 200132675-A1, Pub Date: May 10, 2001, S. M. Ruben, et al.						
EXAMINER						

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO.: 39780-2830 P1C42			SERIAL NO.: 10/015,499	
			APPLICANT : Kevin P. BAKER, et al.				
			FILING DATE: December 11, 2001			GROUP: 1647	
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	GenBank, Accession No.: AC024602, Direct Submission, Submitted: March 1, 2000, D. R. Smith, et al.						
	GenBank, Accession No.: AP003119, Direct Submission, Submitted: January 24, 2001, M. Hattori, et al.						
	GenBank, Accession No.: AP003101, Direct Submission, Submitted: January 16, 2001, M. Hattori, et al.						
	GenBank, Accession No.: P_AAC74921, WO 200058473-A2, Pub Date: October 5, 2000, R. A. Shimkets, et al.						
	GenBank, Accession No.: AF191 019, Direct Submission, Submitted: October 1, 1999, A. H. Charpentier, et al.						
	GenBank, Accession No.: HSM800846, Direct Submission, Submitted: August 15, 1999, K. Koehrer, et al.						
EXAMINER							

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



INFORMATION DISCLOSURE STATEMENT PTO-1449		ATTY. DOCKET NO.: 39780-2830 P1C42		SERIAL NO.: 10/015,499			
		APPLICANT : Kevin P. BAKER, et al.					
		FILING DATE: December 11, 2001		GROUP: 1647			
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	GenBank, Accession No.: AC024602, Direct Submission, Submitted: March 1, 2000, D. R. Smith, et al.						
	GenBank, Accession No.: AP003119, Direct Submission, Submitted: January 24, 2001, M. Hattori, et al.						
	GenBank, Accession No.: AP003101, Direct Submission, Submitted: January 16, 2001, M. Hattori, et al.						
	GenBank, Accession No.: P_AAC74921, WO 200058473-A2, Pub Date: October 5, 2000, R. A. Shimkets, et al.						
	GenBank, Accession No.: AF191 019, Direct Submission, Submitted: October 1, 1999, A. H. Charpentier, et al.						
	GenBank, Accession No.: HSM800846, Direct Submission, Submitted: August 15, 1999, K. Koehrer, et al.						
	Orntoft et al., "Genome-Wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive Human Transitional Cell Carcinomas", Research, Molecular & Cellular Proteomics 1.1, The American Society for Biochemistry and Molecular Biology, Inc., pp 37-45.						
	Hanna et al., "HER-2/neu Breast Cancer Predictive Testing", Technical Update, August 1999, 2 pages.						
	Hyman et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer ^{1,2} ", Cancer Research 62, 6240-6245, November 1, 2002.						
	Pollack et al., "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors", Department of Pathology, PNAS, October 1, 2002, Vol. 99, No. 20, 12963-12968.						
EXAMINER							

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.